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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,094	11/02/2001	Joern Ostermann	2000-0600	5333
7590	01/24/2006		EXAMINER	
Samuel H. Dworetzky One AT&T way Room 2A-207 Bedminster, NJ 07921			RIVERO, MINERVA	
			ART UNIT	PAPER NUMBER
			2655	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/003,094	OSTERMANN ET AL.
	Examiner	Art Unit
	Minerva Rivero	2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 24 October 2005.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) 1,2,4,8,12-17,20 and 23 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,3-7,9-11,18 and 22 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>8/23/05</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

1. In the Remarks submitted 8/03/05, Applicants amended claims 1, 7 and 18, cancelled claims 2, 8, 12-17, 20-21 and 23-24, and submitted arguments for allowability of the pending claims.

***Response to Arguments***

2. Applicant's arguments, see Remarks, filed 8/03/05, with respect to the rejection(s) of claim(s) 1, 3-6, 7, 9-11, 18-19 and 22 under 102(e), have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of Mitchell *et al.* (US Patent 5,857,099).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-6, 7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenblatt *et al.* (U.S. 2002/0007276).

5. Regarding claims 1 and 7, Rosenblatt *et al.* disclose a method of delivering a multi-media message to a recipient, the multi-media message being created by a sender for delivery by an animated entity, the method comprising:

recording an audio message from the sender ([0031, Lines 4-8]);  
receiving a choice of one of a plurality of animated entities to deliver the message (virtual representatives, [0008], Lines 3-8);  
conforming the audio message to movements associated with the animated entity to create a multi-media message ([0015], Lines 18-22) and  
delivering the multi-media message to the recipient with the animated entity speaking the recorded audio message from the sender ([0015], Lines 9-18) and  
delivering the multi-media message to the recipient upon approval of the text message from the sender (preview of the message text and streaming the message through email, [0037], Lines 17-21 and [0038], Lines 1-3).

However, Rosenblatt *et al.* do not disclose but Mitchell *et al.* do disclose after recording the audio message from the sender, converting the audio message to a text message and presenting a text version of the audio message to the sender (Col. 8, Lines 4-8).

It would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Rosenblatt *et al.* with after recording the audio

message from the sender, converting the audio message to text and presenting a text version of the audio message to the sender, as taught by Mitchell *et al.*, in order to allow a handicapped person to create a text message.

6. Regarding claim 3, Rosenblatt *et al.* disclose the multi-media message is sent as an e-mail to the recipient ([0041], Lines 6-10).

7. Regarding claim 4, Rosenblatt et al. disclose the multi-media message is sent as an instant message to the recipient ([0041], Lines 6-10).

8. Regarding claim 5, Rosenblatt et al. disclose the multi-media message is sent over the Internet to the recipient ([0029], Lines 1-5).

9. Regarding claim 6, Rosenblatt *et al.* suggest the multi-media message is sent to the recipient via a wireless network (some other network, [0029], Lines 1-5).

10. Regarding claim 9, Rosenblatt *et al.* disclose the multi-media message is sent over the Internet to the recipient ([0029], Lines 1-5).

11. Regarding claim 10, Rosenblatt et al. disclose the multi-media message is sent as an instant message to the recipient ([0041], Lines 6-10).

12. Regarding claim 11, Rosenblatt *et al.* suggest the multi-media message is sent to the recipient via a wireless network (some other network, [0029], Lines 1-5).

13. Claims 18-19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyashita *et al.* (U.S. Patent 6,289,085) in view of Mitchell *et al.* (US Patent 5,857,099).

14. Regarding claim 18, Miyashita *et al.* disclose a method of providing a synthesized voice with sender voice characteristics, the method comprising:  
receiving an audio recording from the sender (Col. 10, Lines 49-52);  
parameterizing the audio recording into audio parameters after receiving the approval of the sender (*notification of completion of user's voice input*, Col. 10, Lines 63-66); and

using the audio parameters, synthesizing a voice that is not the sender's voice but includes at least one sender voice characteristic (Col. 3, Lines 26-34 and 49-58).

However, Miyashita *et al.* do not disclose but Mitchell *et al.* do disclose after receiving the audio recording, using an automatic speech recognizer and presenting a text version of the audio recording to the sender for approval (Col. 8, Lines 4-8).

It would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Miyashita *et al.* with after receiving the audio recording, using an automatic speech recognizer and presenting a text version of the

audio recording to the sender for approval, as taught by Mitchell *et al.*, in order to allow a handicapped person to create a text message.

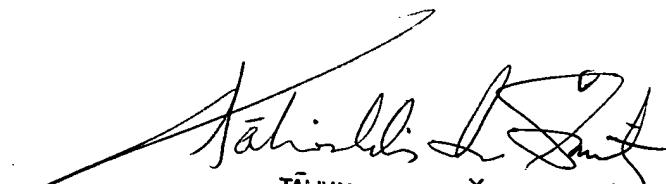
1. Regarding claim 19, Miyashita *et al.* further disclose the at least one sender voice characteristic is one of an accent, voice inflection, pitch, or dialect (Col. 1, Lines 43-48; Col. 7, Line 57).
2. Regarding claim 22, Miyashita *et al.* further disclose parameterizing the audio recording into audio parameters further comprises using an alignment program for segmenting the audio into phonemes and labeling the audio recording with the phonemes, duration, pitch, stress and other parameters (Col. 3, Lines 49-57; speed adjustment, Col. 7, Line 58; pitch, Col.7, Line 57; accent, Col. 8, Lines 37-44).

### ***Conclusion***

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minerva Rivero whose telephone number is (571) 272-7626. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR 1/19/06



TALIVALDIS IVARS SMITS  
PRIMARY EXAMINER